

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE	X	CASE NO. 24-50876-MMP
	X	
TRIAD MOTORS, LTD.	X	
	X	
DEBTOR	X	CHAPTER 11

**MOTION OF RICHARD CARRIER, AND WIFE, TAMMY L. CARRIER FOR RELIEF  
FROM AUTOMATIC STAY AGAINST PROPERTY AND WAIVER OF THIRTY (30)  
DAY HEARING REQUIREMENT**

TO THE HONORABLE MICHAEL M. PARKER, JUDGE,  
UNITED STATES BANKRUPTCY COURT:

Richard Carrier, and wife, Tammy L. Carrier (“Movants”), creditors in the above-referenced bankruptcy proceeding, file this their Motion For Relief From Automatic Stay Against Property, and in support thereof would respectfully show the following:

**Background and Jurisdiction**

1. This is a contested matter seeking relief from the automatic stay over which this Court has jurisdiction pursuant to 28 U.S.C. §1334 and §157, and the Order of Reference of the United States District Court for the Western District of Texas.

2. This action is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(G).

3. This Motion is made pursuant to 11 U.S.C. §362(d) and is governed by Federal Bankruptcy Rules 4001(a) and 9014, and this Court’s Local Bankruptcy Rule 4001.

4. On May 10, 2024, Triad Motors, Ltd. ("Debtor") filed a voluntary Petition for relief under Chapter 11 of the Bankruptcy Code.

5. Movants own a 1971 Red Ford Bronco (VIN U1SGLK67444). A copy of the Title is attached hereto as Exhibit "A". The Bronco is owned by the Movants free and clear of liens.

6. Movants entered into a Consignment Agreement with the Debtor (Hovey Motor Cars) dated September 7, 2023, a copy of which agreement is attached hereto as Exhibit "B". Pursuant to the agreement, the Debtor was to sell the Bronco and pay the Movants a net figure of \$40,000.00.

7. The Movants have and continue to hold the Title to the Bronco in their possession.

8. The Movants recently learned that the Debtor sold the Bronco without their knowledge, without paying the Movants as agreed to, all while Movants continue to hold the Title to the Bronco.

9. The Debtor never contacted the Movants regarding the sale of the Bronco.

10. Movant's were not given notice of the Debtor's bankruptcy filing by listing them as a creditor, including the Schedules and Statement of Financial Affairs filed on June 10, 2024.

11. The attempted sale of the Bronco by the Debtor is not an effective sale of the Bronco. The Movants hold the title, which cannot be transferred without their consent.

#### Grounds for Relief

12. The automatic stay created by the filing of the petition for relief should be terminated pursuant to 11 U.S.C. §362(d) to allow Movants to take whatever action necessary to exercise their rights and remedies under non-bankruptcy law against the 1971 Red Ford Bronco (VIN U1SGLK67444), either judicially or non-judicially, including but not limited to, the right to repossess the 1971 Red Ford Bronco from the third party that the Debtor wrongfully attempted to

sell the vehicle. The automatic stay in this bankruptcy proceeding should be terminated in this case for cause, including, but not limited to the following:

- a. Lack of adequate protection of Movants' interest in the Consigned Vehicle.  
The Debtor owns no interest in the 1971 Red Ford Bronco (VIN U1SGLK67444), which the Debtor has attempted to sell to a third party improperly pre-petition and without notice to the Movants.
- b. Lack of adequate protection of Movants' interest in the Vehicle and Cause.  
The Debtor owns no interest in the 1971 Red Ford Bronco (VIN U1SGLK67444), which the Debtor has attempted to sell to a third party improperly pre-petition and without notice to the Movants.

13. Movants request that the 14 day period of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure be waived.

14. By alleging specific grounds for the termination of the automatic stay under Section 362(d) of the Bankruptcy Code, Movants do not waive the requirements of Section 362(g) of the Bankruptcy Code allocating the burden of proof in hearings held on this Motion.

15. Nothing herein is a waiver by Movants of their claims against the Debtor regarding its wrongful disposition of the 1971 Red Ford Bronco (VIN U1SGLK67444), and the exercise by Movants of their rights under the Consignment Agreement described above and applicable law.

16. A copy of the Order being uploaded with this Motion is attached hereto.

#### Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, pursuant to 11 U.S.C. §362(d), Movants seek relief from the automatic stay as to the 1971 Red Ford Bronco (VIN U1SGLK6744) described above under the Consignment Agreement in order to allow Movants to give all notices required by applicable law and by the Consignment Agreement to terminate the Consignment Agreement,

including the repossession of their 1971 Red Ford Bronco (VIN U1SGLK6744) and/or take other loss mitigation options, to exercise all Movant's rights and remedies under said Consignment Agreement and/or State law to gain possession of the 1971 Red Ford Bronco, and for waiver of the 14-day period of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure. Movants further prayer for such other and further relief to which their may be justly entitled to receive.

Date: June 12, 2024.

Respectfully submitted,

/s/ William R. Davis, Jr.  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached Motion was served upon the following parties by deposit into the care and custody of the United States Mail on the 12<sup>th</sup> day of June, 2024, in envelopes addressed to the attached notice list.

/s/ William R. Davis, Jr.  
WILLIAM R. DAVIS, JR.

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Case 24-50876-mmmp  
Western District of Texas  
San Antonio  
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